

# **Government Administration and Elections Committee**

## **JOINT FAVORABLE REPORT**

**Bill No.:** SJ-36

RESOLUTION PROPOSING A STATE CONSTITUTIONAL AMENDMENT

**Title:** CONCERNING ENVIRONMENTAL RIGHTS.

**Vote Date:** 3/19/2025

**Vote Action:** Joint Favorable Substitute

**PH Date:** 2/7/2025

**File No.:**

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### **REASONS FOR BILL:**

There is a growing concern over the erosion of protections pertaining to environmental rights due to changes on the federal level and other states. Connecticut has taken strides to pass laws to protect these issues through legislation, however, some worry that these laws could be easily overturned through legislation. This resolution would seek to propose an amendment to the Connecticut Constitution to enshrine these protections that Connecticut has already held and give them additional protection. This would allow citizens to vote on a constitutional amendment establishing rights to clean and healthy air, water, soil, ecosystems, and environment. It would ensure the right to equitable access to a healthy environment for all citizens of Connecticut. This amendment would also prohibit the removal of any funds supporting protection of the State's natural resources.

### **SUBSTITUTE LANGUAGE:**

The Substitute language changes listing out marginalized groups individually to instead say "protect these rights equitably". This was done to consolidate the language and to make sure that all groups were covered and not left out instead. Other language changes were done to make sure that the state was not leaving itself open to litigation and lawsuits.

### **RESPONSE FROM ADMINISTRATION/AGENCY:**

None expressed.

## **NATURE AND SOURCES OF SUPPORT:**

### **Werner Oyanadel, Policy Director, Commission on Women, Children, Seniors, Equity and Opportunity**

The adverse effects of climate change disproportionately impact people of color and those in economically disadvantaged positions. The pressing need for legislative actions such as this is clear, evidenced in higher asthma rates among underrepresented communities because of substandard air quality. Three states have already incorporated similar environmental rights amendments into their constitutions: New York, Pennsylvania, and Montana. The United Nations General Assembly's unanimous resolution of July 28, 2022, shows a global consensus supporting the fact that access to a clean, healthy, and sustainable environment is a fundamental right.

### **Saori Adams, Your Huckleberry Farms**

Supports the Bill as an action against climate change, which is important to protect agriculture. Crop yields have declined an average of 10% across major farming regions worldwide, which can lead to increase disease, less competition, and less food security.

### **Dr. Sandra Carbonari, American Academy of Pediatrics**

Supporting environmental rights protects children. Children breathe more air, consume more food, and drink more water – as a proportion of their weight – than adults do. They also exhibit more hand-to-mouth and oral exploratory behaviors than adults. As such, they are more adversely affected by environmental conditions than adults. They have no control over their environment, it is up to us to make decisions that benefit them.

### **Aziz Dehkan, Executive Director, CT Roundtable on Climate and Jobs**

Six other states have outlined environmental rights in their state constitutions, including New York, Massachusetts, Hawai'i, Illinois, Montana, and Pennsylvania. These rights have led to more long-term policy implementation and consideration, cleaner transportation systems, proactive policy improvements, and stronger environmental protections. This would ensure citizen participation and foster deeper citizen engagement in environmental protection.

### **Rush Canovi, Director, American Lung Association in Connecticut**

Supports environmental legislation as a measure to improve air quality and reduce lung illnesses. Air pollution currently results in around 6,000 premature deaths each year in our state. Toxic chemicals in water increase sickness and air pollution triggers asthma, heart attacks, lung cancer, and many premature deaths. These effects are seen disproportionately in communities of color.

### **Joshua Caskey**

Urges changes to be more explicit in rights covered by this amendment so that it cannot be used against mass transit, increased population density, or other things that may be interpreted as environmentally unfriendly but are beneficial.

### **Susan Eastwood**

The threat of frivolous lawsuits is not valid. Frivolous lawsuits are discouraged by legal and ethical standards, sanctions, and fines. This bill would support valid lawsuits by people seeking to defend their rights to clean air and healthy living environments.

**Nathan Frohling, Director of External Affairs, The Nature Conservancy in Connecticut**

Polluting facilities are predominantly located in communities of color and low-income communities. This would provide an actionable right for those disproportionately affected. The additional accountability on industry and the state would promote innovative climate and environmental legislation and programs. We are not on track to meet our climate goals, but this amendment will help us course correct.

**Marc Gonzalez, Program Coordinator, Conservation Law Foundation**

This amendment is in the spirit of the Connecticut Environmental Protection Act from 1971. That act declared that there exists a public trust in the air, water, and other natural resources of the state, the protections, preservation, and enhancement of which each person is entitled. It was passed then because the General Assembly believed the government was not doing its duty to protect the environment. This amendment is the next logical step from that Act.

**Aaron Goode, Secretary, New Haven Bioregional Group**

This amendment could have a transformative impact on our state's legal paradigm for environmental quality with potentially great benefits for environmental justice communities. It would advance this paradigm from placing environmental protections in isolated statutory silos, to elevating environmental rights, and recognizing them as fundamental and integral to life, liberty, and the pursuit of happiness. This amendment would affect a broader cultural and intellectual transformation, improving awareness and empowerment that will be necessary for facing the future climate challenges. Current environmental law in Connecticut is inadequate as environmental hazards and inequities have continued to massively proliferate. In New York, the Environmental Rights Amendment passed in 2021 by a more than 40-point margin statewide while several other statewide referenda were rejected on the same ballot. Voters do not believe constitutionally protected environmental rights are abstract, meaningless, futile, partisan, or likely to create legal chaos – which has demonstrably not occurred in any of the states that have adopted Green Amendments.

**Unk Khyal, Founder, Soundly Caring**

This amendment's prohibition against diverting funds designated for environmental protection is especially crucial and reflects best practices in sustainable governance. Reliable funding is essential for long-term environmental monitoring and protection efforts. Regions with strong constitutional environmental protections are better positioned to attract sustainable investment and create resilient communities. The bills recognition of environmental rights as equal to all other inalienable rights aligns with international legal frameworks and the explicit requirements for equitable protection of these rights helps ensure it becomes more than an aspirational goal.

**Lilian Ruiz, Agricultural Engineer**

Our current statutory protections remain vulnerable to political shifts and regulatory rollbacks. Though the Connecticut Environmental Protection Act and the Connecticut Environmental Policy Act have facilitated significant improvements, they lack permanence and enforceability that constitutional recognition provides. Recent federal rollbacks and Supreme Court decisions have weakened critical statutes, demonstrating the urgent need for state-level action. The consequences of failing to protect our environment extend beyond ecological harm into public health. Fairfield County has the poorest air quality of any county on the East

Coast and Hartford ranks second worst for air quality in the Northeast. Ozone pollution has plagued Connecticut for over 45 years, increasing respiratory infections, asthma rates, and long-term mortality risks. These environmental burdens are borne disproportionately by low-income communities and communities of color. We need to guarantee every Connecticut Resident the secure right to clean water, pure air, and healthy soil.

**Dr. Kimberly Stoner, Director of Advocacy, Northeast Organic Farming Association**

Environmental protections are being dismantled at a federal level, with Federal agencies being censored from even mentioning well-established scientific facts. Although Connecticut is an environmental leader in the United States, we are still failing to meet our environmental goals. Black and Latino families still suffer disproportionately from asthma. The people of Connecticut need tools to fight back against the denial of these facts and the eliminations of policies to address these problems.

**Victor DeMasi** and **Britt Garth** submitted testimony in support of the bill as a measure against neonicotinoid pesticides.

**One Hundred and Seventy Four** testimonies, **Six** anonymous, were submitted in support of the Bill because of a need to protect the environment, ensure environmental protections for all citizens across the state, give a right to clean air, water, and soil, and to be good stewards for future generations:

**Twenty-Three** testimonies were submitted in support of the bill because of the health benefits from improving air and water quality.

**Eleven** testimonies were submitted with uncharacterized support for the bill.

## **NATURE AND SOURCES OF OPPOSITION:**

**Michael Giaimo, Director, American Petroleum Institute**

There already exists comprehensive environmental laws, rules, and policies which make this amendment unnecessary. This amendment is vaguely worded, leaving its full implications unclear and subject to judicial interpretation. It also gives the power to set specific levels of appropriate pollution and other environmental degradation to the Judiciary branch, which may not be equipped to set those standards. This amendment could also be used for improper or inappropriate reasons such as a high-income community challenging development of low-income housing under environmental grounds. All the ambiguous language in the amendment will have to be settled by expensive litigation and settled by the judicial branch, not through legislative or regulatory action that would be a better medium.

**Paul Amarone, Public Policy Associate and Advocacy Manager, Connecticut Business & Industry Association**

The amendment language lacks clarity on how it shall be enacted which opens businesses and the state up to litigation. Businesses utilize natural resources to carry out daily operations and to provide the best possible products and services. Cost of Living in Connecticut is already very high, in part because of the environmental regulations. Innovation should be encouraged but the language here could lead to actions either duplicating existing standards

or adding overly broad standards. There are also concerns about lawsuits against employers or the state if they fail to meet the broad language.

**Fred Behringer**

Opposes moving environmental decisions to the courts. Believes the individual environmental issues should be addressed legislatively instead of with a sweeping, blanket amendment. Believes this bill will do little benefit but will open Connecticut courts to excessive litigation, tying up resources that may be spent on solving environmental problems.

**Betsy Gara, Executive Director, Connecticut Council of Small Towns**

This amendment is unnecessary and likely to have significant and costly unintended consequences for towns. It could subject municipalities to protracted and costly litigation based on undefined standards. The full impact of similar legislation in other states remains unknown but lawsuits are being filed. This uncertainty and case-by-case nature of the environmental protections will create turmoil and may slow the attraction of new businesses.

**Elizabeth Gara, Connecticut Water Works Association**

Water utilities must have assurances that projects undertaken in compliance with state and federal laws will not be disrupted or delayed. This bill threatens to allow a broad range of lawsuits with uncertain outcomes to be levied against law-abiding utilities. Water utilities rely on regulated water uses that may be challenged by the adoption of this bill which may jeopardize the availability of drinking water supplies. Connecticut is already a leader in environmental protection policies. This bill is risky and unnecessary.

**Christian Herb, President, Connecticut Energy Marketers Association**

This bill could hurt the biodiesel industries efforts to become compliant with the Global Warming Solutions Act by exposing it, alongside other motor and heating fuel industries, to litigation.

**Stephen Sack, President, Sack Energy Corp**

This resolution would expose local small family-owned businesses and the State to litigation costing millions of dollars in legal fees – on top of any penalties imposed by judges. This is open to exploitation by bad actors. This will make lawyers rich and change nothing for air quality. This bill could hurt the biodiesel industries efforts to become compliant with the Global Warming Solutions Act by exposing it, to litigation.

**James Miller**

This bill would eliminate private property in the State of Connecticut. Governments make poor environmental stewards.

**Jessica Olander, President, Connecticut River Valley Chamber of Commerce**

If adopted, this amendment could have significant adverse, costly, and unintended consequences for businesses and the state's economy. The unclear and far-reaching standards laid out in the amendment would subject businesses to protracted and costly litigation. The environmental protections laid out in this amendment would be defined by courts on a case-by-case basis, creating turmoil and uncertainty.

**Carol Platt Liebau, President, Yankee Institute**

This amendment will result in litigation against our state, towns, and businesses. Environmental NGOs are staffed, funded, and eager to bring enforcement suits based on statutes like the one before you today. Similar amendments in Montana and New York have resulted in lawsuits blocking housing, economic development, and other infrastructure projects that improve the quality of life. The lawsuits this amendment creates are expensive and this would result in businesses passing costs to taxpayer. Passing this amendment could create an intrusive regulatory environment that no one voted for.

**Mr. Nick Postovoit**

This bill would make the state the king of land, water, and air and would reduce the citizens to serfdom. This bill would lead to EV mandates and would supersede towns how land and water may be utilized. This amendment would be unconstitutional.

**Katherine Sarris**

This Bill will lead to government overreach.

**Ann Marie Conaty**, **Selina Rifkin**, and **Lee Sirotnak** submitted testimony in opposition to this bill because of a belief that it will lead to increased government spending.

**Michele Chamberlain**, **Jennifer Choquette**, **Mona Colwell**, and **Bruce Tolhurst** submitted testimony in opposition to this bill because they believe the government does not have the right to legislate this.

**Six** testimonies, **two** anonymous, were submitted with uncharacterized opposition to this bill.

**GENERAL COMMENTS:**

**Susan Pronovost, Executive Director, Connecticut Greenhouse Growers**

This well-intentioned legislation will open the doors to excessive litigation and regulation that will challenge the activities of any business or trade industry that can be perceived as harming public health and the environment. Whole industries would be targeted by untenable regulatory issues, including agriculture. Given current and past legislative proposals, the intention to curate agricultural operations despite science and qualitative data is clear. The issues this amendment seeks to address need a dual-sided approach that weighs the costs of reducing business outputs, eradicating food production, and affecting the foundation of carbon sequestration against a conservative, stepped approach to achieving environmental goals.

**Reported by: Aston Foley**

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